



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/931,123

08/16/2001

Gary S. Foster

03716-P0002C

3575

24126

7590

06/19/2007

ST. ONGE STEWARD JOHNSTON & REENS, LLC

986 BEDFORD STREET

STAMFORD, CT 06905-5619

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3693

MAIL DATE

DELIVERY MODE

06/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 19 2007

GROUP 3600

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/931,123
Filing Date: August 16, 2001
Appellant(s): FOSTER ET AL.

Wesley W. Whitmyer, Jr.
(Reg. No. 33, 558)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed *** appealing from the Office action mailed ***.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Appellant previously filed an appeal to the Board of Patent Appeals and Interferences in the present case on July 30, 2004. In response thereto, the Examiner reopened prosecution and issued new rejections.

Subsequent thereto, Appellant filed a second appeal to the Board of Patent Appeals and Interferences in the present case on January 25, 2006. In response thereto, the Examiner reopened prosecution in an Office Action mailed April 20, 2006, in which the Examiner allowed some claims, indicated that some claims contained allowable subject matter, and maintained the rejection of some claims. The present (third) appeal is directed to those claims rejected in the Office Action mailed April 20, 2006.

Appellant has also filed an appeal to the Board of Patent Appeals and Interferences, on January 23, 2006, in U.S. Patent Application No. 09/931,123, filed on August 16, 2001. U.S. Patent Application No. 09/931,123 and the application which is the subject of the instant appeal are related in that they both claim priority to the same parent application, U.S. Patent Application No. 09/504,803, filed February 16, 2000, which parent application is still currently pending.

(3) Status of Claims

Art Unit: 3693

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,497,317	HAWKINS et al	3-1996
6,347,307	SANDHU et al	2-2002

Art Unit: 3693

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6-9 and 15-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al (US 5,497,317) and Sandhu et al (US 6,347,307) in view of each other.

Hawkins discloses a security trade settlement device, as in which has a computer 24 (see fig. 1, col. 4, 11. 19-24); trade execution information received by the computer database (see Abstract, col. 5, 11. 13+), said trade execution information indicative of an executed trade by a first trading party(see Abstract, col. 5, 11. 13+);

software executing on said computer for determining block level trade execution information based upon said trade execution information (see col. 6, 11.50 to col. 7, 11.50);

trade order information received by said computer, said trade order information indicative of an order trade by a second trading party (see Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11.50);

software executing on said computer for determining block level trade order information indicative of an order trade by a second trading party (see col. 6, 11.50 to col. 7, 11.50);

software executing on said computer for determining block level trade order information based upon said trade order information ; (see col. 6, 11.50 to col. 7, 11.50);

Art Unit: 3693

a set of predefined acceptable trade parameters(see Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11. 50) ; and

software executing on said computer for comparing the block level trade execution information with the block level trade execution information, and for determining that a match exists if the block level trade execution information and the block level trade order information correlate within the set of predefined acceptable trade parameters (see Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11. 50);

Sandhu discloses interactive servers that enable users to interactively trade and manage their portfolios (see col. 4, 11. 31+).

an artisan of ordinary skill in the art at the time of the invention would have been motivated to substitute the interactive servers in Sandhu for the central database in Hawkins as an alternative communications link between the system and the users. One would also recognize the convenience of interactive servers being used for different purposes would increase the speed and efficiency of the transactions.

On the other hand, one of ordinary skill in the art at the time of Sandhu would have sought to provide a database with a plurality of delivery instructions to comply with the requirements that may be imposed to execute a transaction. Thus such a modification would have been an obvious expedient to one of ordinary skill in the art.

(10) Response to Argument

The appellant's invention is concerned with a system for facilitating the processing and settlement of securities trades which reduces the time required for settlement, reduces the amount of information required to be input by the parties for each trade and reduces the number of human interactions in the settlement process.

Hawkins discloses a security trade settlement device, as in which has a computer 24 (see fig. 1, col. 4, 11. 19-24); trade execution information received by the computer database (see Abstract, col. 5, 11. 13+), said trade execution information indicative of an executed trade by a first trading party(see Abstract, col. 5, 11. 13+), software executing on said computer for determining block level trade execution information based upon said trade execution information (see col. 6, 11.50 to col. 7, 11.50), trade order information received by said computer, said trade order information indicative of an order trade by a second trading party (see Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11.50), software executing on said computer for determining block level trade order information indicative of an order trade by a second trading party (see col. 6, 11.50 to col. 7, 11.50), software executing on said computer for determining block level trade order information based upon said trade order information ; (see col. 6, 11.50 to col. 7, 11.50), a set of predefined acceptable trade parameters(see Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11. 50), and software executing on said computer for comparing the block level trade execution information with the block level trade execution information, and for determining that a match exists if the block level trade execution information and the block level trade order information correlate within the set of predefined acceptable trade parameters (see

Art Unit: 3693

Abstract, col. 5, 11. 13+; and col. 6, 11. 50 to col. 7, 11. 50; and column 7, line 51 to column 8, line 2).

The appellant asserts that it is the block level trade execution information and the block trade order information which is compared to determine whether or not a match exists. It is being maintained that Hawkins, like the appellants invention, compares settlement information and determines if a match exists based upon information correlated within a set of predefined acceptable trade settlement parameters (see column 6, line 59 to column 7, line 50; and particularly column 7, line 51 to column 8, line 2). Sandhu discloses a system and method for conducting web-based financial transactions in capital markets having interactive servers that enable users to interactively trade and manage their portfolios (see Sandhu Abstract; and col. 4, 11. 31+). It is being maintained that an artisan of ordinary skill in the art at the time of the invention would have been motivated to substitute the interactive servers in Sandhu for the central database in Hawkins as an alternative communications link between the system and the users and that one of ordinary skill in the art would recognize the convenience of interactive servers being used for different purposes would increase the speed and efficiency of the settlement transactions.

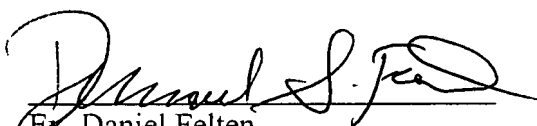
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

Art Unit: 3693

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

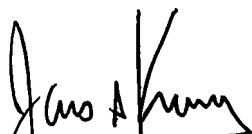


Ex. Daniel Felten

Art Unit 3693

Business Methods

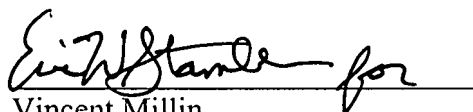
Conferees:



James Kramer

SPE, Art Unit 3693

Business Methods



Vincent Millin

Appeals Conference Specialist

TC 3600

Business Methods